

Misc.

FEDERAL TRADE COMMISSION
WASHINGTON 25, D. C.

A. LEON HIGGINBOTHAM, JR.
COMMISSIONER

March 13, 1963

Honorable Burke Marshall
Assistant Attorney General
Civil Rights Division
U. S. Department of Justice
Washington 25, D. C.

Dear Burke:

Many thanks for the loan of the
world's greatest law journal.

Cordially yours,


A. LEON HIGGINBOTHAM, JR.

ALH, Jr./emb

Encs.

probably Mr. Macmillan has said, that the word "special" is probably not the most appropriate word to describe it. It is a very strong, intimate and reassuring relationship, and I think it will exist regardless of who is in power.

QUESTION: Mr. President, sir, I wonder if you think that there should be a double standard for Congressmen and one for men in the Executive Branch of government. I am referring to these articles on cheating Congressmen which Jack Anderson wrote about the other day. And I wonder if you think since you have been in Congress and the Executive Branch, if there should be the same standard for no conflict of interest and honesty as Congress insists upon for the Executive, and if you think these should be the same thing for Congressmen?

THE PRESIDENT: I think this is a matter where the Congress is the best judge of their own standards. As a matter of fact, I think the Constitution so states. And I would think that they would be jealous of their reputation as really any man or woman should be.

J-1 follows

QUESTION: Mr. President, you said a moment ago that your administration had no intention of emulating the record of the Eisenhower Administration in a number of economic respects, and you have often stated your desires to move the country ahead in a number of social fields, education, for instance, and yet you say that in your first three budgets your non-space, non-defense expenditures are less than in the last three Eisenhower budgets.

My question is this: Does this balance of resources, this commitment of resources, disturb you?

THE PRESIDENT: Yes, I would like to see the United States able to do more in some areas, even though the programs we have suggested in education, if accepted by the Congress, would be very important, not only this year but also in the other years. That is a major program. So I think we have a solid basis for action. But I do think it is.

On the other hand, I think that the Defense program is, in my opinion, essential, and I think the space program is vital. But what we are now talking about are those who wish to cut this program, the civilian and the non-defense expenditures, by such a substantial figure. For example, those who say that we should cut our foreign assistance by a billion and a half, even though this assistance is vital to the maintenance of a good many countries' independence, while at the same time, as I have said before on other occasions, anti-Communist speeches are made, they want to prevent any Communists taking over in Latin America. They want to deny Latin America any economic assistance and they want us to do something about Cuba, because it is Communist. I don't understand that logic. I think the budget we have sent up is soundly based. I do think there is always a question of whether we are expending enough for civilian needs. But it still is a large budget, a large deficit, and I think we have done about as much as we now can do. In other years we may have to do more, because this year we held our non-defense expenditures to the same figure as last year.

QUESTION: Mr. President, yesterday according to reports Comedian Dick Gregory was manhandled by police in Greenwood, Mississippi. Do you have any comments on the voter registration drive in Greenwood, and particularly do you think the Justice Department can do more in terms of speed and effectiveness to enhance the effort down there?

THE PRESIDENT: We have had a suit there since last August against the Registrar on the ground of discrimination in the voting. We have now a suit which we launched the other day against the denial of the rights of the voters themselves, and that is due for a hearing very shortly, perhaps this week.

Then I would hope that the court would find that there has been a denial of rights, which seems to me evident, but which the court must decide. If we secure the passage of the voting bill which we sent up to the Congress this week, in the case of the voter registrar case, a registrar would be permitted to sit during the period that the case was being considered, because what we now have is a registrar who is charged with discrimination in denying certain citizens the right to vote and he has been sitting since last August when our suit was filed, and the suit, because of the law's delay, has not yet been settled. So that is an area where there is a vacuum in the law, and I would hope we could fill it. But on the subject, itself, we have two federal suits and both of them are very important and both of them, I hope, will result in actions which will bring justice in Greenwood, Mississippi.

THE PRESS: Thank you, Mr. President.

end

Burke Marshall

3/14/68

John Dear

TRAVEL

DATE	ATTORNEY, PLACE, AND PURPOSE
	<u>Mississippi</u>
3/14	Frank Schweb and John Martin photographing records in Claiborne County.
3/14	Nick Flannery investigating in Tate and Marshall Counties
3/14	Owen and Greh preparing for trial in Panola County
3/15	John Martin finishing photographing in Claiborne Frank Schweb and Nick Flannery in Greenwood photographing records. Greh going to Greenwood with representative of the Agriculture Department on food problems in LeFlore County Owen preparing for trial in Panola County
3/19	Frank Schweb and John Martin to photograph records in Rankin County (if we are successful in getting a day from Judge Cox). Owen, Greh and I will start trial of <u>U.S. v. Duke</u> in Clarksdale.
3/22	Records have to be photographed in Anite County.
3/25	Records have to be photographed in Lowndes County.
	In all, we will have four to six attorneys in Mississippi all of next week.

Louisiana

Our plan was to have Kauder and Ross leave for a two-week trip to northern Louisiana during which time they were to prepare for trial in Webster and Red River Parishes, handle some motions in Monroe and Ouachita in the Deal cases, and Kauder would spend next weekend in Lake Charles with Barrett in interviewing witnesses in connection with the trade school case. During the trip the lawyers would check the situation in East Carroll and Madison, and see if anything was developing in Tensas and West Carroll.

There is a possibility that we may conclude that Dunbaugh should go to Monroe to handle the Deal motions (that is the Francis Joseph Atlas (b) case), but I will have to talk to him about that.

Alabama

The plan was to have Chess go to Mobile on Monday, the 18th, and work on Conecuh and Butler on Monday and Tuesday. On the same days, Sather and Norman would go to Birmingham and prepare a method of interviewing witnesses. Commencing on Wednesday, Henderson would come to Birmingham; Sather would go to Montgomery and meet Chess and work with him in Lowndes, Montgomery, Wilcox, and Dallas. Norman would stay in Birmingham all week, and Henderson would probably be there for ten days or two weeks, as would Chess and Sather.

This is a maximum of 12 lawyers in the field sometime next week -- a minimum of 10.

THE WHITE HOUSE
WASHINGTON

Misc.

April 5, 1963

TO: Mrs. Stores
FROM: Peggy Fleming

This is the draft I was talking
with you about. Is it still OK

Thank you.

I have a copy of it here and you
can just call me and tell me.
145x785

Is this ok
still on Prince
Edward?
Yes

Mise

[REDACTED]
Enning, South Dakota

Dear Mr. [REDACTED]

Thank you for your letter of October 17, 1962, to the President, in which you suggested that the United States should take some action to effect the reopening of the public schools in Prince Edward County, Virginia. On December 20, 1962, the United States filed in the United States Court of Appeals for the Fourth Circuit a brief as amicus curiae in which the court was urged to enter an order directing the County Board of Supervisors to levy taxes and appropriate the revenue derived therefrom for the operation of the public schools. On January 9, 1962, the case was argued before the court of appeals, at which time Assistant Attorney General Marshall presented the Government's views on this matter to the court.

Thank you very much for your interest in this matter. As you can see from the above description of the Government's activities, the United States shares your concern over the Prince Edward County school situation.

Nice.

5 April 1963

Honorable Terence M. Hickey
District Attorney
Sawyer County Courthouse
Hayward, Wisconsin

Dear Mr. Hickey:

It will be a pleasure to have the opportunity to move your admission to the bar of the Supreme Court on April 29. After you have reported to the Clerk between 8:30 and 9:00 a.m., I hope you will have a chance to come by my office (Room 1145, Justice Department) so that we can go back down to the Court together around 9:45.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

Air Mail

TERENCE N. HICKEY
District Attorney

Office of
DISTRICT ATTORNEY

Sawyer County Court House
MAYWARD, WISCONSIN

April 1, 1963

*Encs:
please send & acknowledge
this.*

Hon. Burke Marshall
Assistant Attorney General
Civil Rights Division
Washington 25, D. C.

Dear Mr. Marshall:

Mr. John Doar advised me under date of February 12, 1963 that you would be pleased to move for my admission to the United States Supreme Court. I wish you to know that I appreciate this very much and I plan to be in Washington, D. C. the weekend of April 27th and since the Court is in session on Monday, April 29th, I am this day advising Mr. John F. Davis, Clerk of the Supreme Court that I would like to appear at 10 a. m. on April 29, 1963.

I note in the last letter I had from Mr. Davis that he had received my application papers, the same being in proper form and they have been filed. He also states that I should present myself in Room 154 between 8:30 and 9:00 a. m. on the day I wish to be admitted and at that time give the Admission Clerk the name of the attorney who is to move my admission.

I assume that you are very busy and therefore, I am writing this far in advance and will appreciate a reply from you.

Very truly yours,

Terence N. Hickey
TERENCE N. HICKEY
District Attorney

TNH:rab

cc: Hon. John Doar

*Terence N. Hickey:
It will be a pleasure
to have the opportunity to
see you admission to the
Clerk of the Supreme Court on
April 29. After you have
reported to the Clerk between
8:30 and 9:00 AM, I
hope you will
have done
to come by
my office
(Rm. 1145,
Justice Dept.)
so that we
can go back
to the
Court together
about 9:45.
Sincerely,
T. N. Hickey*

Misc

[REDACTED]
ATTORNEYS AND COUNSELLORS AT LAW

[REDACTED]
NEW YORK 17, N.Y.

[REDACTED]
April 9, 1963

Hon. Burke Marshall
Department of Justice
Washington, D.C.

Dear Mr. Marshall:

I appreciate your courtesy in returning my call yesterday and I hope that I shall manage to get the Greenwood story correct in the next issue of my weekly news letter.

I am pleased that you would like to be added to the mailing list of the news letter and I am arranging for this to be done. In the meantime, I am enclosing some of the recent issues. As you will note, last week's news letter dealt with the Greenwood situation and gave some of Judge Clayton's background. Since the news letter is both researched and written by me in my spare moments, I am certain that it falls into error from time to time and also omits items of significance.

I shall, of course, always be glad to have your comments and suggestions.

Sincerely yours,
[REDACTED]

SP/m
enclosures

Letter sent to
Charlie



Misc

Student Nonviolent Coordinating Committee

6 Raymond Street, N.W.
Atlanta 14, Georgia

000-000

April 9, 1963

Mr. Burke Marshall
Assistant Attorney General
Civil Rights Division
Department of Justice
Washington 25, D.C.

Dear Mr. Marshall:

This is to acknowledge receipt of your letter of April 5, 1963 which gives accounts of the Department's actions in Leflore County, Mississippi.

Mr. McDew is not in town at the moment but is expected shortly and I will be happy to transmit your message of concern to him.

Our best wishes,

Sincerely yours,

Dorothy Miller
Dorothy Miller
SNCC office staff.

Mise.

St. John Barrett

April 10, 1963

Burke Marshall

Congressman Diggs - Mississippi trip

Congressman Diggs is planning a trip to Mississippi.

He leaves ^{for} Memphis on American Airlines flight #381 at 6:00 pm today, Wednesday, April 10. He will leave from Memphis at 12:25 pm for Los Angeles on Friday, April 12.

He is going to proceed from Memphis to Clarksdale. He will spend Wednesday and Thursday nights in Clarksdale with [REDACTED]. During the day on Thursday he will drive to Greenwood and will meet with local Negro leaders there.

Would you please inform the Bureau of this trip, and ask them to inform the local authorities in Clarksdale and Greenwood.

AMERICAN AIRLINES WOULD LIKE TICKETS TO BE PICKED UP BY
6 PM. THIS EVENING, MONDAY, APRIL 8.

Confirmed: FOR WEDNESDAY, APRIL 10

AMERICAN #381^F - LV NATIONAL 6:00 PM: ARR MEMPHIS 7:38 PM

FOR FRIDAY, APRIL 12

AMERICAN #23^R LV MEMPHIS 12:25 PM: ARR LA 3:05 PM.

TERENCE N. HICKEY
District Attorney

Office of
DISTRICT ATTORNEY

Sawyer County Court House
HAYWARD, WISCONSIN

APRIL 10, 1963

Misc.
D

HON. BURKE MARSHALL
ASSISTANT ATTORNEY GENERAL
CIVIL RIGHTS DIVISION
WASHINGTON 25, D. C.

DEAR MR. MARSHALL:

THANK YOU FOR YOUR KIND LETTER OF APRIL 5, 1963 STATING THAT YOU WILL BE PLEASED TO MOVE MY ADMISSION TO THE UNITED STATES SUPREME COURT ON APRIL 29TH. AFTER I HAVE REPORTED TO THE CLERK BETWEEN 8:30 AND 9:00 A.M. ON THAT DAY, I WILL COME TO YOUR OFFICE, ROOM 1145, AND VISIT WITH YOU. I TOLD MRS. HICKEY THAT SHE COULD ACCOMPANY ME SINCE SHE IS MAKING THE TRIP WITH ME TO WASHINGTON, AFTER WHICH WE EXPECT TO GO TO NEW YORK CITY FOR A FEW DAYS.

I HAVE WRITTEN FOR HOTEL RESERVATIONS BUT AS YET HAVE HAD NO CONFIRMATION.

VERY TRULY YOURS,

Terence N. Hickey
TERENCE N. HICKEY
DISTRICT ATTORNEY

TNH:RAB
CC: HON. JOHN DOAR

*Finally got a reservation through
Congressman O'Rourke at Stratford
Hotel, 75 "E" N.W. for 4/26-27-28 & 29*

214

John Doar

Misc.

FROM
DIRECTOR OF PUBLIC INFORMATION
OFFICE OF THE ATTORNEY GENERAL
to
Official indicated below by check mark

Attorney General
Deputy Attorney General
 First Assistant Deputy Attorney General
 Executive Office For U. S. Attorneys
 Executive Office For U. S. Marshals
Solicitor General
Executive Assistant to the Attorney General
Assistant Attorney General, Antitrust
Assistant Attorney General, Tax
Assistant Attorney General, Civil
Assistant Attorney General, Lands
Assistant Attorney General, Criminal
Assistant Attorney General, Office of Legal Counsel
Assistant Attorney General, Internal Security
Assistant Attorney General, Civil Rights
Administrative Assistant Attorney General
 Budget and Accounts Office
 Records Administration Office
 Personnel Office
 Administrative Services Office
 Supplies and Printing Section
 Transcription Section
Director, FBI
 Assistant to the Director - Room 5640
Director of Prisons
Director, Office of Alien Property
Commissioner, Immigration and Naturalization
Pardon Attorney
Parole Board
Board of Immigration Appeals
Librarian

MEMORANDUM

APR 10 1953

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

----- X	:	
UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	Civil Action
	:	
v.	:	No. 4485
	:	
DIEBOLD, INCORPORATED,	:	
	:	
Defendant.	:	
----- X	:	

STIPULATION

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

(1) The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court at any time after the expiration of thirty (30) days following the date of filing of this Stipulation without further notice to either party or other proceedings, either upon the motion of either party or upon the Court's own motion, provided that plaintiff has not withdrawn its consent as provided herein;

(2) The plaintiff may withdraw its consent hereto at any time within said period of thirty (30) days by serving notice thereof upon the other party hereto and filing said notice with the Court;

(3) In the event plaintiff withdraws its consent hereto, this Stipulation shall be of no effect whatever in this or any other proceeding and the making of this Stipulation shall not in any manner prejudice either consenting party in any subsequent proceedings.

Dated: _____, 1963

For the Plaintiff:
UNITED STATES OF AMERICA

Lee Loevinger
Assistant Attorney General

Walter T. Nolte

Larry L. Williams

John M. Toohay

Attorneys, Department of Justice

William D. Kilgore, Jr.

Donald F. Melchior

For the Defendant:

ARNOLD, PORTAS & PORTER

By: _____
William L. McGovern

MILLIKAN, REISTER, FITTON & LATIMER

By: _____
F. A. Reister

Attorneys for Defendant Diebold,
Incorporated

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

-----X	:	
UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	Civil Action
v.	:	
	:	No. 4485
DIEBOLD, INCORPORATED,	:	
	:	
Defendant.	:	
-----X	:	

FINAL JUDGMENT

Plaintiff, United States of America, having filed its complaint herein on August 24, 1959; and the defendant herein having appeared and filed its answer to such complaint denying the substantive allegations thereof; and

Plaintiff and defendant, by their respective attorneys, having severally consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and without admission by either party with respect to any such issue of fact or law, and the Court having considered the matter and being duly advised,

NOW, THEREFORE, without trial or adjudication of any issue of fact or law herein and upon consent of the parties hereto, it is hereby

ORDERED, ADJUDGED and DECREED, as follows:

I.

This Court has jurisdiction of the subject-matter hereof and of the parties hereto pursuant to Section 15 of the Act of Congress of October 15, 1914, c. 323, 38 Stat. 736, as amended, entitled "An

Act to Supplement Existing Laws Against Unlawful Restraints and Monopolies and for Other Purposes," commonly known as the Clayton Act; and the complaint states a claim upon which relief may be granted under Section 7 of said Act.

II.

As used in this Final Judgment:

(A) "Diebold" shall mean Diebold, Incorporated, an Ohio corporation, with its principal office in the City of Canton, Ohio;

(B) "Bank and Protection Equipment" shall mean bank vault doors and linings, safe deposit boxes, security and collateral lockers, money chests, night and lobby depositories, drive-up windows and safes, or any of them;

(C) "Acquired Assets" shall include (1) the drawings, tools, jigs, dies, fixtures, patterns, and moulds acquired from Herring-Hall-Marvin Safe Company in September 1959 and in the possession of Diebold on the date of the entry of this decree; (2) patents, applications for patents, inventions, trademarks and trade names, copyrights, manufacturing and other licenses or rights, and the exclusive right to use the name "Herring-Hall-Marvin Safe Company" acquired from said Company in September 1959; (3) land, plants, and buildings in Hamilton, Ohio, acquired by Diebold from Herring-Hall-Marvin Safe Company in September 1959; and (4) machinery, office furniture, equipment, and inventories owned by Diebold and now located in the Herring-Hall-Marvin plant in Hamilton, Ohio.

III.

The provisions of this Final Judgment, applicable to Diebold, shall be binding upon said defendant, its officers, agents, servants

and employees, subsidiaries, successors and assigns, and upon those persons in active concert or participation with said defendant who receive actual notice of this Final Judgment by personal service or otherwise. None of the provisions of this Final Judgment shall be binding upon any person or persons who acquire from Diebold any of the property or assets required to be divested hereby in whole or in part if the acquisition is by a person or persons approved by this Court.

IV.

(A) Diebold is ordered and directed to make a bona fide effort to sell said "Acquired Assets" within 12 months from the date of entry of this Final Judgment, on such basis as would permit them, to the extent possible, to be reactivated as an operating business in competition with other firms engaged in the manufacture and sale of "Bank and Protection Equipment."

(B) Within 30 days after the end of the period of 12 months provided in subparagraph (A) of this Paragraph IV, the plaintiff may apply to the Court for entry of such order as the Court deems appropriate, including an order requiring Diebold for a further period to undertake to accomplish the required divestiture by selling or otherwise disposing of said acquired assets either as required by subparagraph (A) of this Paragraph IV, or on a piecemeal basis, provided, however, that no such extension shall exceed 6 months from the end of the 12 month period provided for in such subparagraph (A) above.

(C) If at the end of a period of 12 months from the date of the entry of this Final Judgment, or such further period as the Court may allow not to exceed six months under subparagraph (B) of this Paragraph IV, Diebold shall have been unable to sell said "Acquired Assets" in accordance with the provisions of subparagraphs (A) or (B)

above, then Diebold shall no longer be required by any provision of this Final Judgment to divest itself of any of said "Acquired Assets."

(D) Diebold shall make known the availability of the 'Acquired Assets' ordered to be divested by ordinary and usual means for the sale of a business. Diebold shall furnish to bona fide prospective purchasers such information, including business records, regarding the "Acquired Assets," and shall permit them to have such access to, and to make such inspection of, said "Acquired Assets" as are reasonably necessary. Diebold shall render monthly reports to the Assistant Attorney General in charge of the Antitrust Division, concerning its efforts to divest itself of the "Acquired Assets," and the first such report shall be rendered within thirty days after the date of entry of this Final Judgment.

(E) Plaintiff or defendant Diebold may apply to this Court for approval of any offer by any person to purchase the "Acquired Assets" or any part thereof. No sale of any of the "Acquired Assets" or any part thereof shall be made unless approved by this Court after hearing plaintiff and defendant Diebold in regard thereto if requested by either party. Sale of the 'Acquired Assets' or any part thereof shall be approved by this Court unless the Court shall find that the effect of such offer, if accepted, may be substantially to lessen competition or to tend to create a monopoly, or unless the Court shall find that the offer is unreasonable or, if made within 12 months after the effective date of this Final Judgment, that such offer is inconsistent with the terms of subparagraph (A) of this Paragraph IV. Diebold is not required to sell all or any part of said "Acquired Assets" except at a price that is reasonable under all circumstances, taking into account the divestiture requirements of this Final Judgment.

(F) The divestiture ordered and directed by this Final Judgment

shall be made in good faith and shall be absolute and unqualified. None of the "Acquired Assets" so ordered to be disposed of shall be directly or indirectly sold or disposed of to any person who, at the time of the entry of this Final Judgment, is an officer, director, agent, or employee of Diebold, or is acting for or under the control of Diebold, or in which Diebold owns any stock or financial interest.

V.

Defendant Diebold is enjoined and restrained for a period of five years or, if Diebold has not disposed of the "Acquired Assets" in accordance with Paragraph IV herein, for a period of ten years, from the effective date of this Final Judgment from acquiring (1) any capital stock of any corporation engaged in the manufacture, sale or distribution of "Bank and Protection Equipment" in the United States, or (2) any assets (except products purchased in the normal course of business) of a corporation which are used in the manufacture, sale or distribution of "Bank and Protection Equipment" in the United States. Diebold is not restrained by this Final Judgment from acquiring in good faith the stock or assets of a distributor if such distributor has been unable to pay its indebtedness to Diebold in the ordinary course of business and faces imminent bankruptcy or would not be able to continue in business. If Diebold wishes to make any acquisition at any time prior to five years from the effective date of this Final Judgment or, if Diebold has not disposed of the "Acquired Assets" in accordance with Paragraph IV herein, at any time prior to ten years, it may submit disclosure of the facts regarding such proposed acquisitions and the reasons therefor to plaintiff. If the plaintiff shall not object to the proposed acquisition within thirty days after receipt of such notice, such acquisition shall be deemed not to be a violation of this Final Judgment. In the event plaintiff shall object, Diebold may apply

granted upon a showing by Diebold to the satisfaction of this Court that the acquisition would not substantially lessen competition or tend to create a monopoly.

VI.

(A) For the purpose of securing compliance with this Final Judgment and for no other purpose, and subject to any legally recognized privilege, duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendant Diebold made to its principal office, be permitted:

1. Access during the office hours of Diebold to those books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of Diebold which relate to any of the matters contained in this Final Judgment, and
2. Subject to the reasonable convenience of Diebold and without restraint or interference from it, to interview officers or employees of defendant Diebold, who may have counsel present.

(B) Upon receipt of a written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, Diebold shall submit such reports in writing to the Department of Justice with respect to matters contained in this Final Judgment as may from time to time be necessary to the enforcement of this Final Judgment; provided, however, that no written request need be made for the reports which Diebold is required to make by the terms of Paragraph IV(D) herein.

(C) No information obtained by the means provided in this Paragraph VI shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of

the Executive Branch of the Plaintiff except in the course of legal proceedings to which the United States is a party for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

VII.

Jurisdiction is retained for the purpose of enabling any party to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification or termination of any of the provisions thereof, and for the enforcement of compliance therewith and punishment of violations thereof.


Dated: _____, 1963

United States District Judge

Form No. DJ-96a
(Rev. 4-19-61)

DEPARTMENT OF JUSTICE

ROUTE  SLIP

TO	
NAME	BUILDING AND ROOM
1. John Deas 	
2.	
3.	
4.	
5.	

<input type="checkbox"/> SIGNATURE	<input type="checkbox"/> COMMENT	<input type="checkbox"/> PER CONVERSATION
<input type="checkbox"/> APPROVAL	<input type="checkbox"/> NECESSARY ACTION	<input type="checkbox"/> AS REQUESTED
<input type="checkbox"/> SEE ME	<input type="checkbox"/> NOTE AND RETURN	<input type="checkbox"/> NOTE AND FILE
<input type="checkbox"/> RECOMMENDATION	<input type="checkbox"/> CALL ME	<input type="checkbox"/> YOUR INFORMATION
<input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____		
<input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____		


REMARKS

10 April

John:

You and Rocky had better get rolling.

B.M.



FROM		
NAME	BUILDING, ROOM, EXT.	DATE

Form No. CVR-17
(Ed. 6-22-61) Civil Rights Division

- ☒ Assistant Attorney General
 - ☐ First Assistant
 - ☐ Second Assistant
 - ☐ Chief, Trial Staff
 - ☐ Mr. _____
 - ☐ Chief, General Litigation Section
 - ☐ Deputy Chief, Gen. Litigation Sec.
 - ☐ Head, Const. Rights Unit
 - ☐ Mr. _____
 - ☐ Head, Federal Custody Unit
 - ☐ Mr. _____
 - ☐ Chief, Appeals & Research Section
 - ☐ Miss Blair
 - ☐ Chief, Voting & Election Section
 - ☐ Mr. _____
 - ☐ Not Indexed - For Information

INDEX TITLE: _____

NO DOCKET CARD

Cross Ref: _____

RETURN TO EDITORIAL CLERK - ROOM 1616

Rocky's got a lot of nerve criticizing JFK on civil rights say 3 tan solons

Just how rough these campaign waters are going to be when he begins his big political move toward the Presidency next year was revealed this week in a critical statement by three colored legislators of New York State.

The three - all Democrats (what else?) - rubbed the New York governor's nose in the "Audacity" of his own record on civil rights by outlining in detail where they felt the governor had failed.

Criticizing Mr. Rockefeller were the only two colored state senators in the N.Y. State legislature, Sen. James L. Watson of Manhattan and Ivan Warner of the Bronx, and Assemblyman Thomas R. Jones of Brooklyn who won his first term this past November.

The following is the full statement of the three state legislators:

"Governor Rockefeller has the audacity to criticize President Kennedy and claim that the President is not moving fast enough in the field of civil rights while at the same time the Governor is guilty of neglecting his own job in New York State.

"This neglect on the part of the Governor was exposed point by point in debate on the floor of the New York State Senate on the very same day.

"The Governor is attempting to cover up his own dismal failure in the field of civil rights and economic

discrimination by attacking the President.

"On the very day the Governor was doing this and attempting to paint a rosy picture of his achievements in this vital field of human rights, his own Republican majority in the Senate was stubbornly refusing to give the State Commission on Human Rights the powers it needs to deal effectively with discrimination in this state.

"The Republican majority voted solidly as a party against our motion to bring out of committee bills which would give the State Commission on Human Rights the power to initiate complaints on its own and to make its orders apply industry-wide.

"The Governor, in his speech before the NAACP in Albany, boasted about a bill that would prevent retaliation against persons who file complaints or appears as witnesses before the State Commission on Human Rights.

"The mere introduction of this bill is an admission on his part of the need to give the Commission real power to act. At present the Commission cannot act unless it first receives a complaint from a victim of discrimination. Many people are reluctant to file complaints because of their very real fear of retaliation.

"We have repeatedly pointed out the deficiencies

in Governor Rockefeller's sorry civil rights record by alleged liberal civil rights record in the following respects:

"(1) The failure of the Rockefeller Administration to take full advantage of the Federal Manpower Retraining program, particularly in minority group areas where the problem of unemployment is acute.

"(2) The failure of the Governor to back laws which would protect the health, safety and welfare of migrant workers.

"(3) The failure of Governor Rockefeller to appoint minority group members to policy making positions in the state government.

"(4) His action in forcing imposition of tuition fees in the State University and local colleges, places greater obstacles in the path of minority group students who can least afford to pay for an education.

"(5) His reluctance and slowness to prohibit discrimination in all housing in all housing in New York State.

"There is a tremendous job remaining to be done in this State in the field of civil rights. Governor Rockefeller was elected by the people of this state to do a job in this state.

"It is high time he buckled down to the responsibilities of his job as Governor instead of attempting to cover up his administration's

DISPATCH
MAY 8 11 00 AM '63
RECEIVED

144-51-0

ATTACH.

APR 8 1963

CIV. RIGHTS DIV.
Gen. Inv. Sec.

Misc.

FROM
DIRECTOR OF PUBLIC INFORMATION

OFFICE OF THE ATTORNEY GENERAL

Official indicated below by check mark

Attorney General	
Deputy Attorney General	
First Assistant Deputy Attorney General	
Executive Office For U. S. Attorneys	
Executive Office For U. S. Marshals	
Solicitor General	
Executive Assistant to the Attorney General	
Assistant Attorney General, Antitrust	
Assistant Attorney General, Tax	
Assistant Attorney General, Civil	
Assistant Attorney General, Lands	
Assistant Attorney General, Criminal	
Assistant Attorney General, Office of Legal Counsel	
Assistant Attorney General, Internal Security	
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Director, Office of Alien Property	
Commissioner, Immigration and Naturalization	
Pardon Attorney	
Parole Board	
Board of Immigration Appeals	
Librarian	

MEMORANDUM

John Doe:
You and
Rocky had
letter get nothing.
For.....

Misc.

Herbert A. Schiel
Assistant Attorney General
Office of Legal Counsel

April 11, 1963

Burke Marshall
Assistant Attorney General
Civil Rights Division

[REDACTED]

With respect to the attached, the only charges that I know of that are now pending against [REDACTED] are in Greenwood. We filed suit on March 30 claiming that the charges against [REDACTED] and 10 others in Greenwood were a part of an official campaign by the officials there to intimidate persons working on voter registration in Leflore County. By agreement with the city, [REDACTED] has been released, along with the others. The ultimate disposition of the charges against him will wait the final outcome of the federal suit.

With respect to the Senators' inquiry about the draft status of [REDACTED], you should be aware that [REDACTED] is now 26 years old, and may be passed over for that reason by the New York Board.

Misc.

WASHINGTON S. D. C.

April 11, 1963

TO MEMBERS

Honorable Robert F. Kennedy
Attorney General of the United States
Department of Justice
Washington 25, D. C.

Dear Mr. Attorney General:

This is a brief report on the meeting of the Urban League's
"A Future for Jimmy" Advisory Committee yesterday afternoon at Howard
University.

I do not hold out much hope for constructive results from
this Committee as it is now constituted. The Committee spent 40
minutes discussing the "Jimmy" case. Thereafter, there was disagree-
ment as to what the Committee could accomplish. Some members, led
by Mrs. [REDACTED], feel that a concentrated effort by pro-
fessional social workers with 20 students is as much as can be done.
The only immediate step taken by the Committee was to appoint Rev.
Fauntroy as chairman of a subcommittee to establish five church centers
for remedial assistance to approximately 100 school children (i.e.,
remedial reading, help on homework, etc.). Further meetings are planned
over the next two weeks.

Everything is not totally lost, however. John Monte,
Assistant Superintendent of Schools, although generally cynical after
repeated "do-good" efforts by various groups, is a hardheaded fellow
who will be of real help if the proposals are practical and do not
swamp his teachers with additional duties. He has a legitimate concern
about mass volunteers descending on distrustful Negro families who have
already been interviewed to death. At the same time, he feels that mass
volunteers can be of real help if they are properly prepared for the
task and if enough Negroes are used with whites to allay the suspicions
of the Negro families.

I think that if the Urban League Committee could be largely
ignored [REDACTED] and I could perhaps accomplish

HOGAN & HARTSON

Honorable Robert F. Kennedy

- 2 -

April 11, 1963

something. I assume that you do not want to be part of a limited effort involving a few children. It seems obvious to me that large numbers of volunteers working with school children on a one-for-one basis are the only answer. Interviews with 100 children at Shaw revealed that only 25 of them had fathers in the home, so the greatest need is for adult males to begin taking an interest in these children on an individual basis. Incidentally, the children at the schools you visited are now bragging all over Washington that "the Attorney General came to our school" -- which confirms the notion that our immediate task is to show each child that someone is interested in him and in what he is doing. We can try this with a couple of schools and expand the program if it works.

Unless I hear otherwise from you, I will assume that you would approve a mass effort by Negro and white volunteers drawn from such diverse groups as local Negro churches, the Junior and Senior Bar Associations, the Junior Chamber of Commerce, white churches in the immediate surrounding areas of Maryland Virginia, etc. I will talk to Burke about this further as soon as I spring myself loose next week.

Sincerely yours,

[REDACTED]

[REDACTED]

[REDACTED]

cc: Honorable Burke Marshall



~~SECRET~~
) nice.

April 12, 1963

[REDACTED] Esq.
[REDACTED]
[REDACTED]
Phoenix 3, Arizona

Dear [REDACTED]

Thank you for your letter. I have
seen Mr. [REDACTED] fine opinion in the Hughes
Tool case. I will pass on to the appre-
priate persons your views as to his
qualifications.

Best regards,

Burke Marshall

LAW OFFICES

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HAROLD R. SCOVILLE
WALTER LINTON
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MONROE S. STRAY
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NINTH FLOOR TITLE & TRUST BUILDING

PHOENIX 2, ARIZONA

TELEPHONE 222-0200

April 10, 1963

Mr. Burke Marshall
Assistant Attorney General
Washington, D. C.

Dear Burke:

Would you care to do anything - if you can - to put the name of Fred Reel into active circulation either for the general circuitship or the Board vacancy at the Labor Board. Reel might have come to your attention because as trial examiner he handed down a recent decision concerning segregated unionism arising in the Hughes plant in Houston. I have known Fred Reel all my life. We were boyhood friends and college and law school roommates. He has been in labor work in the government for over twenty years, both with the Department and at the Board. He is among that little handful - whatever the number might be - of the most experienced appellate lawyers in the country. I do not personally know anyone else who has been in as many circuits as often as he. His work is in all respects of the highest quality and his mood and temperament are objective. He would certainly rigorously carry out the law as he thinks it to be, as the Houston case typically illustrates.

Yours very truly,

*Dear John:
Thank you for
your letter. I have seen
Mr. Reel's fine opinion
in the Hughes Tar case.
I will pass on to the Department
persons your views on his
qualification. Best regards,*

912 2071600P
Nine.

TRAVEL REPORT FOR JANUARY 1963 - (FROM 12/23/62 THRU 2/7/63)

<u>Name</u>	<u>Days in January</u>	<u>Total For January</u>	<u>Total Days 1963</u>	<u>Purpose</u>	<u>State</u>	<u>Expense</u>	<u>Total Expense January</u>	<u>Total Expense 1963</u>
BARRETT	2-1/4 1-1/2 3/4	4-1/2	4-1/2	Conf. School Case Title III 1960 School deseg.	Fla. La. Va.	\$167.30 166.35 21.65	\$355.30	\$ 355.30
CHOPPIN	2-3/4	2-3/4	2-3/4	Habeas Corpus	Cole.	232.85	232.85	232.85
DILLON	10-3/4	10-3/4	10-3/4	Title III	Miss.	295.25	295.25	295.25
DOAR	7-1/2			Meredith, Title III	La., Miss.	285.03		
	5-1/2 14-1/2	27-1/2	27-1/2	Meredith Meredith, 1971 (a,b)	Tenn., La., Miss. Ga., Ala., Miss.	265.44 747.56		1,398.03
DUNBAUGH	12-3/4	12-3/4	12-3/4	1971(a)	La.	350.20	350.20	350.20
GABEL	13-1/2 11-1/2	25	25	1971(a,b) 1971(a)	Ala. Ala.	352.92 329.22		682.14
WICKSTEIN	4-3/4	4-3/4	4-3/4	1971(a)	La.	217.45	217.45	217.45
MARSHALL	1-1/2 1-1/2	3	3	Meredith Meredith	Ala. La.	166.05 146.10		312.15
MARTIN, G.	5-1/4	5-1/4	5-1/4	Title III	Miss.	215.85	215.85	215.85
MARTIN, J.	28-3/4	28-3/4	28-3/4	1971(b), Meredith	Ga., Ala., Tenn., Miss.	598.86	598.86	598.86
OSSEA	4-1/2 3/4	5-1/4	5-1/4	School deseg. School deseg.	Va. Va.	88.05 25.95		114.00

<u>Name</u>	<u>Days In January</u>	<u>Total For January</u>	<u>Total Days 1963</u>	<u>Purpose</u>	<u>State</u>	<u>Expense</u>	<u>Total Expense January</u>	<u>Total Expense 1963</u>
OVEN	5-3/4	5-3/4	5-3/4	1971(a)	Miss.	\$309.83	\$309.83	\$ 309.83
ROSENBERG	11-3/4	11-3/4	11-3/4	18 USC 242	Ga.	315.33	315.33	315.33
OTHER	13-1/2			1971(a)	Ala.	336.23		
	15-1/2	29	29	1971(a)	Ala.	432.03	768.30	768.30
SCHWELB	14-1/4	14-1/4	14-1/4	Title III	Miss.	377.50	377.50	377.50
STERN	5-1/2	5-1/2	5-1/2	1971(a)	Miss.	206.50	206.50	206.50
TRAHER	12-1/2	12-1/2	12-1/2	18 USC 242	La., Miss.	383.35	383.35	383.35
			309					\$7,032.91

Miss.

WORLD YOUTH FORUM

240 West 41st Street, New York 36, New York • Pennsylvania 6-4000

April 12, 1963

Mr. Burke Marshall
Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
Washington, D. C.

Dear Mr. Marshall:

The visit which our World Youth Forum delegates paid to the Justice Department during their Washington trip last month was certainly an informative one, and I want to express our deep appreciation for the time you spent with the group. Coupled with a talk by Justice Goldberg that same day, our visit to Justice helped the delegates to get a much better understanding of the way in which the American legal structure operates.

We are very grateful for your interest in the Forum and your willingness to meet with our 1963 delegates.

Sincerely yours,



Robert S. Huffman
Director

ISIDORE NEWMAN SCHOOL
1881 JEFFERSON AVENUE
NEW ORLEANS 18, LA.

April 16, 1963

Mr. Burke Marshall
Assistant Attorney General
Department of Justice
Washington, D. C.

Dear Mr. Marshall:

Mr. [REDACTED] and our Civics students have returned from their recent trip to study the national government at work. A feature was the personal discussion and question - answer period with you, in which they learned much and, I trust, firmed up national attitudes on issues you discussed.

You were most gracious to give your time and thought to them, and we are all most appreciative.

Sincerely,

E. S. Kalin

E. S. Kalin, Director

[REDACTED]

misc.

19 April 1963

Following information supplied by [redacted] whose address is [redacted] Great Neck, Long Island. His home telephone number is [redacted] Office numbers are [redacted] and [redacted]

F. W. Woolworth
Woolworth Building
New York City

President: R. Kirkwood
Exec. Vice-President: P. Burchan
[redacted]

S. H. Kress
114 Fifth Avenue
New York City

Chairman: Paul Treast
President: L. P. Johnson
[redacted]

Kresge
2727 Second Avenue
Detroit, Michigan

President: M. Cunningham
Vice-President: W. Sturges

McCrory, McClelland-Green
711 Fifth Avenue
New York City

President: James Lutz
Exec. VP & Chairman of Board: H. Wachter
[redacted]

J. J. Newberry
245 Fifth Avenue
New York City

Chairman: J. V. Newberry
President: W. C. Strauss
[redacted]

Neisner's
49 East Avenue
Rochester, N.Y.

President: M. B. Neisner
Vice Pres: _____ McCandles

There may be other chains of variety stores. This list omits department stores and drug stores with lunch counters.

YOU JUST HAD TO SHARE OUR PLANS WITH TONY LEWIS

April 11, 1963 - Thursday

Waggonner Defies Reported Attempt At 1964 'Purging'

By FRANK VAN DER LINDEN
Journal Washington Correspondent

WASHINGTON—U.S. Rep. Joe D. Waggonner Jr. of Plain Dealing today defied a reported attempt by the Kennedy administration to "purge" him in the 1964

primaries for opposing administration bills. The New York Times lists Waggonner as the only Louisiana member among 13 Southern Democrats marked for "purging" by the national Democratic party.

The newspaper says "money, manpower and influence will be made available" to so-called "loyalist" candidates against at least these 13 intended victims. Even though there may be denials on the record that such intervention is taking place, Waggonner when asked by The Shreveport Journal for comment said, "The presence of my name on a so-called White House purge list because I have not rubber-stamped their all-too-liberal program of legislation does not alter my thinking in any manner."

Shall Continue Policy

"The voters of the 4th Congressional District of Louisiana cannot be bought, bribed or bartered," he said. "I do not think it is necessary for me to review my oath of allegiance to them, but I am glad to do so."

"My own political fate is of little importance, but what happens to the country is of utmost importance, and therein lies my concern."

"It is a matter of record that I specified in my platform when seeking election to Congress that I would support the President I thought he was right and him when I thought he was wrong. I shall continue this

WAGGONNER, Page 3-A

★ WAGGONNER

From Page One

policy and judge each and every piece of legislation on its own merits in my humble effort to support constitutional government. I only hope their motives are as honest."

12 Others Listed

The New York Times listed these 12 other conservative Southern Democrats on the first draft of the purge list:

Texas: 7th District, John Dowdy of Athens; 14th District, Joe Kilgore of McAllen; 17th District, Omar Burleson of Anson.

Mississippi: 5th District, Arthur Winslow.

Florida: 3th District, Paul Rogers of West Palm Beach; 7th District, James Haley of Sarasota.

Tennessee: 9th District, Clifford Davis of Memphis.

Georgia: 7th District, John W. Davis of Summerville.

South Carolina: 2nd District, Albert Watson of Columbia; 3rd District, W. J. B. Deans of Greenwood.

North Carolina: 10th District, Basil Whitener of Gastonia.

Virginia: 7th District, John Marsh Jr., of Strassburg.

Success of Some

The Democratic national headquarters is reported to be encouraged by the success of some of its efforts to elect pro-Kennedy and pro-labor candidates in 1962.

They mentioned Charles L. Weltner of Atlanta, Ga., who defeated conservative Rep. James Davis; Richard Fulton of Nashville, Tenn., who defeated Rep. Carlton Loser and three new congressmen in Florida: Claude Pepper, Sam Gibbons and Don Fuqua. In the Texas 7th District, Rep. Dowdy won by only 41 votes over the Kennedy candidate, Benton Musslewhite, former Southern Methodist all-star.

The Kennedy strategists said that several other outstanding Southern conservatives were not on the list yet because it seemed very difficult to defeat them and the Kennedy candidates had been found to oppose them. This might

apply to Rep. Otto Passman of Monroe and Rep. F. Edward Hebert of New Orleans and the remainder of the Mississippi delegation.

TELEGRAM SPECIAL

Mine

THUR 258 PA 258

P LLK229 PD PHILADELPHIA PENN 16 147P EST

BURKE MARSHALL, CHIEF US DEPT OF JUSTICE

WASHDC

WOULD DEEPLY APPRECIATE APPOINTMENT YOUR EARLIEST CONVENIENCE
PREFERABLY TOMORROW WEDNESDAY. WILL PHONE YOUR OFFICE FOR RESPONSE

[REDACTED] PRESIDENT REV [REDACTED] CHAIRMAN OF THE
BOARD MODERN COMMUNITY DEVELOPERS

(24).

355P EST APR 16 63

23 April 1963

Mr. James Farmer
National Director
Congress of Racial Equality
38 Park Row
New York 38, New York

Dear Jim:

Thank you for sending the copy
of Mr. [REDACTED] letter. I have no
recollection of the conversation, but
I am confident that I never said CORE
had anything to do with the problem
of having proper plaintiffs in the
Freedom Rider case.

Regards,

Burke Marshall
Assistant Attorney General
Civil Rights Division

APR 11 1963
[REDACTED]
Cambridge 38, Mass.

9 April 63

Dear Mr. Farmer:

I am a little ashamed not to have given to CORE in the last year; but there is a reason -- I thought I had written this to you before. Until I get a satisfactory explanation I shall continue to divert my albeit petty contributions from CORE to other needy organizations.

About a year ago Mr. Burke Marshall, in charge of the Civil Rights Division of the U.S. Dept. of Justice, was at Harvard Law School talking to those of us interested in the drive to desegregate the South. In the course of my conversation with him I learned that the NAACP had recently lost a suit to enjoin Mississippi officials from multiplying prosecuting individual Freedom Riders for essentially the same actions. Mr. Marshall explained that the NAACP's plaintiff did not have standing to maintain the action because CORE had been unwilling to "lead" one of their Freedom Riders for the purpose of the NAACP-financed suit.

This struck me then -- and still strikes me now -- as the very essence of stupidity on behalf of CORE, if true. Instead of pulling together with the NAACP for the common cause, CORE seemed to be motivated by the pettiest kind of in-group jurisdictioning. I was disgusted. I still am. I am not yet satisfied that an episode like this could not happen again. Before I give any more money to CORE I must be so satisfied.

Finally I must warn you that I don't have much money to give in any case. I think the most I gave in any one year was \$13.00 -- very likely not enough to entitle me to make such a stink. I am a law student, and since my wife has become too sick to work, I live off the charity of relatives. But for me this is a matter of principle. I would appreciate an explanation in any case. In the meantime I will give my occasional pittance to NAACP (Com of 100), ACOA, ACLU, ADA, ESP, etc.

Hoping to hear from you, I remain
[REDACTED]



To abolish racial discrimination by direct nonviolent methods

38 PARK ROW
NEW YORK 38, NEW YORK
COrteland 7-6270

James Farmer
National Director
Richard Maury
Assistant to the Director
Carl Rachlin, Esq.
General Counsel

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COMMUNITY
RELATIONS
DEPARTMENT
Marvin Bach
Director
Bob Gore
Assistant to the Director

April 19, 1963

Mr. Burke Marshall
Asst. Attorney General
Civil Rights Div.
Dept. of Justice
Washington, D.C.

Dear Mr. Marshall:

Enclosed is a copy of a letter which I received from a student at the Harvard Law School regarding the Freedom Rider suit which was lost in the Supreme Court a year or so ago. I think it is self-explanatory. I pass it on to you because he obviously has misinterpreted some comments you made to him a year ago.

Enclosed also is a copy of my reply to Mr. Winsor.

I would appreciate your comments.

Sincerely yours,

James Farmer
National Director

VS

Encl.

Dear Jim:
Thank you for sending the copy of Mr. Winsor's letter. I have no recollection of the conversation but I am confident that I never said CORE had anything to do with the problem of how to handle the case. Sincerely,
James Farmer

April 19, 1963

[REDACTED]
Cambridge 38, Mass.

Dear Mr. [REDACTED]

I was distressed to receive your letter of April 9. The allegations contained therein regarding CORE are completely untrue and patently absurd. At no time did we refuse -- nor were we ever unwilling -- to "lend" a Freedom Rider for purposes of a suit. The fact is that we were never requested to provide a plaintiff for the suit to which you refer. I have checked this point with our General Counsel to be certain of its accuracy. Needless to say, we would have been more than happy to provide plaintiffs, had we been requested to do so.

It was I who, on behalf of CORE, negotiated with Mr. Jack Greenberg of the NAACP Legal Defense and Education Fund, Inc. in the Fall of 1961, prior to the institution of the suit in question, to turn over to that organization the subsequent defense of the Freedom Riders jailed in Mississippi. The agreement worked out in those negotiations was in force at the time of the suit, and remains in force. It would hardly be consistent for me to negotiate an agreement for the defense of the Freedom Riders, on one hand, then to refuse to cooperate in expediting that defense, on the other.

Nor would it have been necessary, really, for CORE to "lend" a Freedom Rider as a plaintiff. Indeed, one of the Riders happens to have been president of a large local branch of the NAACP and, like all the others, he was completely free to serve as a plaintiff in any suit without CORE assent.

I cannot believe that Mr. Burke Marshall would have made such an erroneous charge. His remarks to you, I am sure, were misinterpreted.

I thank you nevertheless for bringing this matter to my attention and thus allowing me to set the record straight.

Sincerely yours,

James Farmer
National Director

vs

CC: Burke Marshall

NY Short Cut to the P.d.

Cannot more be done under present law to give life to a century-old constitutional promise of the Negro franchise? Must another national election take place in which Negro citizens are forced to forfeit their right to vote? The fact is that voting discrimination against Negroes is today condemned by the majority of conscientious Americans throughout the North and the South—public opinion supports the strongest efforts by the Department of Justice to enforce voting rights.

And it is equally a fact that there is ample legislative authority today for the achievement of the universal franchise through judicial decrees in Federal courts—if the Department of Justice will commit to this effort the talents and energies required in the counties and districts where discrimination continues.

The Attorney General has recently filed a large number of suits in Southern counties against voting registrars who are discriminating in the exercise of their authority. But a long and difficult road lies between the filing of the lawsuit to end discrimination and the final resolution of such litigation. Moreover, even where a lawsuit is brought to final judgment and further discrimination is prohibited by court decree, re-enfranchisement cannot be achieved overnight for the entire Negro population of a voting district.

But there remains an effective means for opening the voting booths in 1964 to every qualified Negro in those areas where voting discrimination has prompted the filing of suits by the Attorney General. That method was suggested by the Congress in 1960 when it provided in the new law that where final relief under a suit to end voting discrimination is not afforded prior to election, then the Federal court may issue "an order placing the applicant to vote provisionally."

Constitution does not stand impotent before the burdensome registration and literary examination system which is used as a device against Negro voters. Instead, the Federal courts may order the voting booths open to every applicant on a provisional basis on election day, with the sealed ballot impounded for determination of eligibility after the balloting has been concluded.

Certainly, a system where qualified voters are rejected for pretended lack of literacy, where Negro applicants have to stand in line for many hours or return on many days because of registrar "slow-downs," where registration applicants are met by police harricades and police dogs, where the names of registration applicants are published in the newspapers (as in Mississippi) for maximum coercion by employers and others—certainly such a system serves the purpose of preventing and discouraging Negroes from achieving the ballot.

But there is no reason why the Department of Justice must countenance this tedious and discouraging registration process for each Negro applicant who seeks the ballot in 1964. The Attorney General can and should file simultaneous motions now for provisional relief in every one of the districts where voting discrimination suits are pending; he should ask Federal courts to order voting officials at the next election to honor every Negro applicant, on a provisional basis, if he has not previously been registered.

Such a provisional remedy will surely win the approval of the Federal courts including the Supreme Court, since no other effective means exists for the mass re-enfranchisement of Negro citizens by November of 1964.

JOHN STILARD

Washington.

4/12/63

DEPARTMENT OF JUSTICE
ROUTING SLIP

TO	
NAME	BUILDING AND ROOM
1. John Dear	
2.	
3.	
4.	
5.	

Linda
give him 5/10/62
26-1

<input type="checkbox"/> SIGNATURE	<input type="checkbox"/> COMMENT	<input type="checkbox"/> PER CONVERSATION
<input type="checkbox"/> APPROVAL	<input type="checkbox"/> NECESSARY ACTION	<input type="checkbox"/> AS REQUESTED
<input type="checkbox"/> SEE ME	<input type="checkbox"/> NOTE AND RETURN	<input type="checkbox"/> NOTE AND FILE
<input type="checkbox"/> RECOMMENDATION	<input type="checkbox"/> CALL ME	<input type="checkbox"/> YOUR INFORMATION
<input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____		
<input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____		

REMARKS

4/19

John Reilly's office called, and wants Mississippi - Northern & Southern - added to the list of southern offices where we might have cases pending.

Thanks --

Linda

Shirley.

FROM	BUILDING, ROOM, EXT.	DATE
NAME		